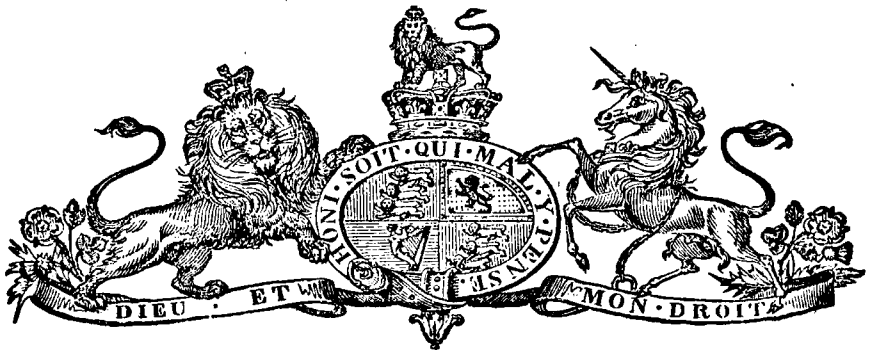


ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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CAP. LXXXIX.

An Act to alter certain Provisions in the Acts for the Commutation of Tithes, the Copyhold Acts, and the Acts for the Inclosure, Exchange, and Improvement of Land; and to make Provision towards defraying the Expense of the Copyhold, Inclosure, and Tithe Office. [31st *July* 1868.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Security for Costs of Inquiries to be taken by Commissioners.

1. That, notwithstanding any Provisions in the said Acts contained, in all Proceedings upon Applications made under any of the said Acts by any Person or Persons interested within the Meaning of the same, in which it is necessary or expedient, in the Opinion of the Commissioners, that an Inquiry should be made by an Assistant Commissioner, and a Meeting held by him, the Commissioners, before they refer the same to such Assistant Commissioner, shall take such Security as they shall deem right for the Payment of any Costs which they may incur in the Matter of such Inquiry and Meeting, including all Expenses of such Assistant Commissioner's

 Attendance:

Attendance: Provided always, that it shall not be necessary for the Commissioners to take Security for the Costs which they may incur relating to any Inquiry which they may think it right to make under Section Twenty-two of "The Copyhold Act, 1852."

Valuations to be stamped.

2. In all Cases of Exchanges, Partitions, or Divisions of intermixed Lands proposed to be effected under the said Acts, the Commissioners shall not proceed to carry the same into effect unless the Valuations required to be furnished to them shall be duly stamped with a Stamp, as required by the Acts in force for the Time being for levying Stamp Duties on Appraisements; and all Valuations attached to the Reports of any University or College Surveyor, made for the Purpose of Transactions to which the Consent of the Commissioners is required, under the Universities and College Estates Acts, shall in like Manner be stamped before the Commissioners shall issue their Order authorizing such Transaction.

Costs of Taxation, how to be recovered.

3. In all Cases in which any Dispute as to the Expenses incidental to an Enfranchisement, or as to the Compensation to be paid to the Steward, shall be referred to the Commissioners for their Certificate, the Costs incurred by them in ascertaining the same shall be paid to the Commissioners, either by the Person making such Reference or applying for such Certificate, or by the Person whose Costs are so taxed, as the Commissioners, by Order under their Hands and Seal, may direct, and such Order shall state the Amount of such Costs; and the Commissioners shall have Power, by Application to any County Court, to recover the same from the Person liable under such Order, together with all Costs of such Application, and such Order shall be conclusive Evidence of such Debt.

Power to Commissioners to enforce Production of Documents belonging to Inclosure.

4. In any Case in which an Inclosure has been authorized by Parliament, and a Valuer appointed, it shall be lawful for the Commissioners, at any Time they shall see Occasion, by an Order under their Hands and Seal, to require such Valuer, or any other Person who shall have Charge of or be in possession of any Schedule, Valuation, Plan, Report, Award, or other Document relating to such Inclosure, to deliver the same to them at their Office; and in default of such Delivery within the Time named in such Order it shall be lawful for the Commissioners to summons such Valuer or other Person before the Judge of the County Court for the County in which the Lands or any Part thereof authorized to be inclosed shall be situate; and the Judge of such Court shall, upon Production of the Order of the Commissioners, give such Direction to enforce such Order, at the Expense of the Person neglecting or refusing to obey

obey the same, as he is now by Law enabled to give to compel the Production of Papers and Documents before such Court.

Commissioners to ascertain and allow proportionate Payment to Valuer or Surveyor.

5. Where any such Order has been made as aforesaid, or where any Valuer has been removed under the Provisions of the said Acts, the Commissioners shall, upon the Application of the Valuer or Surveyor, his Executors, Administrators, or Assigns, take such Steps as they may see fit to ascertain the Progress which has been made towards the Completion of the Inclosure, and determine and award under their Hands and Seal the Sum to be paid to such Valuer or Surveyor, his Executors, Administrators, or Assigns, in respect of his Services, and the Sum so awarded, together with all Costs incurred by the Commissioners in ascertaining and determining the same, shall be a Charge upon the Landowners, and shall form Part of the Expenses of such Inclosure, and shall be raised and defrayed in the same Manner as the other Expenses of such Inclosure.

Commissioners to prepare a Table of Fees.

6. The Commissioners shall, as soon as conveniently may be after the passing of this Act, prepare a Table or Tables of Fees to be taken in respect of the Business transacted under the Acts administered by them, and such Table of Fees shall be subject to the Approval of the Lords Commissioners of Her Majesty's Treasury; and the Commissioners may, with the like Approval, from Time to Time alter, amend, add to, or reduce such Fees or any of them; and every such Table of Fees, and every such Alteration, Amendment, Addition, or Reduction into or of the same, shall be published in the *London Gazette*, and shall be laid before Parliament; and all Fees payable in accordance with such Table or Tables shall be received by Stamps denoting the Amount of Fee payable, and not in Money.

When any Fee is payable in respect of any Document, a Stamp denoting the Amount of Fee shall be affixed to or impressed upon such Document.

The Commissioners of Inland Revenue shall provide everything that is necessary for the Collection of the Monies hereby directed to be paid by Stamps, and shall keep a separate Account of such Stamps; and the Provisions in the several Acts for the Time being in force relating to Stamps under the Care or Management of the Commissioners of Inland Revenue shall apply to the Stamps to be provided in pursuance of this Act, and to any Document on which such Stamps may be affixed or impressed, and be applied and put into execution for collecting and securing the Sums of Money denoted thereby, and for detecting, preventing, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually, to all Intents and Purposes, as if such Provisions had been

been herein repeated and specially enacted with reference to such last-mentioned Stamps.

The Provisions herein enacted relating to Fees shall be applicable to and take the Place of the Enactments relating to Fees contained in the Ninetieth and following Section of "The Improvement of Land Act, 1864."

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